GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Mines & Minerals - Mining Lease for Laterire over an extent of 10.95 acres in Sy.Nos.19/1, 19/2, 19/3, 22, 23/4B, 23/5, 24 in Southern part of Vanthada (V), Prathipadu (M), East Godavari District held by Sri S.Soban Babu - Cancellation - Orders – Issued.

INDUSTRIES & COMMERECE (M.II) DEPARTMENT

G.O.MS.No. 121 **Dated: 15-12-2015**

Read the following:

Ref: 1. G.O.Ms.No.110, Ind. & Com (M.III) Dept., Dt.29.04.2004.
2. From the Collector & District Magistrate, E.G.Dist.,Kakinada, Lr.No.E4/7594/2004, dt.19.02.2005.
3. From the Collector & District Magistrate, E.G.Dist.,Kakinada, Lr.No.E4/1292/2010, dt. 04.10.2010.
4. From the Collector & District Magistrate, E.G.Dist., Kakinada Lr.No.A5/4034/2012, dt.21.12.2012.
5. Govt. Memo.No.4957/M.IV(2)/2010-15, dt.26.03.2013.
6. Govt. Memo.No.4957/M.IV(2)/2010-18, dt.03.05.2013
7. Reply dt.15.05.2013 from Sri Phani Kumar, Advocate of Sri S.Sobhan Babu.
8. Govt. Memo.No.4957/M.IV(2)/2010-20 & 21, dt.13.06.2013.
9. From the DMG, Hyd, Lr.No.7567/R2-1/2011, dt.02.07.2013.
10. From the Collector & District Magistrate, E.G.Dist.,Kakinada, Lr.No.E4/1292/2010, dt.20.08.2013.
11. From the DMG, Hyd, file No.3300/R2-1/2011, dt.20.11.2015.
12. Govt. Memo.No.4957/M.II(1)/2010, dt.03.12.2015.

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O R D E R :

In the reference first read above, Government have granted a Mining Lease for Laterite over an extent of 10.95 Acres in Sy.Nos.19/1, 19/2, 19/3, 22, 23/4B, 23/5, 24 in Southern part of Vanthada Village, H/o Gokavaram Panchayat, Prathipadu Mandal, East Godavari District, for a period of (20) years, in favour of Sri S.Soban Babu, subject to provisions of Mines & Minerals (D&R) Act, 1957 and the rules made there under in general and also Mineral Concession Rules, 1960.

2 On examination of the reports submitted by the District Collector and Magistrate, East Godavari District in the references 2nd to 4th read above, Government observed as follows:

i) The lessee i.e., Sri S.Soban Babu had obtained No Objection Certificate (NOC) from the Revenue Authorities on submission of Pattadar consents obtained by using fraudulent methods by cheating tribal pattadars. The area was shown as USHP by hiding the fact that the tribals were in possession since a long time.

ii) Sri S.Soban Babu is a benami tribal lease holder on behalf non-tribal traders.

iii) The lessee has made mining operations outside the leased area.

iv) The leased area was covered with cashew nuts trees previously which were cut and entire land was cleared for mining operations thus denuding the entire area of the greenery which leads to reduced bio-diversity and loss of green cover.

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v) The lease deed was executed on 17.09.2008 and work orders were also issued on the same day, whereas Environmental Clearance was obtained by the lessee only on 13.08.2010.

vi) The lessee is continuing mining operations from time to time by making litigation by using various forums such as Revision Authority or Courts against the objections/action of the Mines & Geology Department/Revenue Department/Local tribals.

3. Based upon the above, a show cause notice was issued, in the reference 5th read above, under Rule-27 of Mineral Concession Rules, 1960 to Sri S. Soban Babu as to why the Mining Lease held by him shall not be cancelled and submit his explanation/ representation within 15 days failing which it will be construed that they have no explanation/ representation on the action proposed and further action will be taken on the material available with the Government.

4. In the reference 6th read above, Government have accorded permission (15) days more time to Sri S. Sobhan Babu for submitting his reply to Show Cause Notice.

5. Accordingly, in the reference 7th read above, Sri Phani Kumar, Advocate of Sri S. Soban Babu submitted his explanation to the Government.

6. In the reference 9th & 10th read above, the Director of Mines & Geology, A.P. Hyd / the District Collector, who examined the reply of the lessee, has submitted their remarks to Government.

7. As the matter stood thus, in the reference 11th read above, the Director of Mines & Geology, A.P., Hyderabad has reported the lessee has committed the following braches:

i. The lessee has excavated and transported about 2,48,378 MT of Laterite against the permitted quantity of 2,01,250 MT. Thus, he has violated the Rule-45 (IV) of MC Rules, 1960.

ii. The lessee conducted mining operations by encroaching the Tribal Pattalands over an extent of 2.702 ha in Sy.Nos.19 & 24 of Vanthada Village and excavated & transported 7,27,374 MT of Laterite without valid in Mining Lease and payment of Royalty. Thus he has violated the Section 4 (i) of MMDR Act, 1957 as detailed below:

Out side the leased area:

Total quantity excavated	: 7,27,374 MT
Rate of Royalty	:Rs.27.50
Market Value	:Rs.118/-
Royalty to be paid	:Rs.2,00,02,785/-
Market value to be paid	:Rs.8,58,30,132/-
Grant Total	:Rs.10,58,32,915/-

Within the leased area:

Quantity transported without payment of Royalty	: 47,128MT
Rate of Royalty	: Rs. 27.50
Royalty to be paid	: Rs.12,96,020/-

iii. The General Administration (V&E) Department, has noticed certain irregularities in issuing NOCs in Zeroithi lands.

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iv. The Project Officer, ITDA, Rampachodavaram in the year 2004 has already confirmed that the signature of the tribals have been fraudulently obtained from the tribal land owners and as per the enquiry of General Administration (V&E) Department officials, individuals statements have been recorded from all tribal farmers and all such farmers have disposed that their signatures were fraudulently obtained on consent forms and that they were not aware of any mining right that would accrue on a third party with such signatures.

v. As per enquiry and verification made by the General Administration (Vigilance & Enforcement) Department, no entry found regarding dispatch of the NOC to the Dist. Collectorate. Thus, it is strengthens the suspicion and that the entire episode was done fraudulently.

8. Based on the recommendations made by the General Administration (Vigilance & Enforcement) Department and proposal of the Asst. Director of Mines & Geology/ Dy. Director of Mines & Geology/ Zonal Joint Director of Mines & Geology, the Director of Mines & Geology, A.P., Hyderabad has opined that it is evident that the lease holder has violated the MC Rules, 1960 and it is established that the lease holder has obtained the No Objection Certificate (NOC) fraudulently. As such, the Director of Mines & Geology, A.P., Hyderabad , has requested the Government to take necessary action to cancel the Mining Lease held by Sri S.Soban Babu for Laterite, over an extent of 10.95 acres in Sy.Nos. 19/1, 19/2, 19/3, 22, 23/4B, 23/5, 24 of Vanthada Village, Prathipadu Mandal , East Godavari District subject to final orders passed by the Govt., on rectification of sketch and also subject to satisfaction of MMDR Act,1957 and MC Rules, 1960 and also subject to satisfaction of amendments by the Govt., from time to time.

9. In the reference 12th read above, Government have issued orders rectifying the sketches of two mining leases for Laterite in Vanthada Village, Prathipadu Mandal, East Godavari District, over an extent of 30.64 acres and 10.95 acres, respectively, which were granted earlier in G.O.Ms.No.109 and in G.O.Ms.No.110, Ind. & Com. (M.III) Dept., Dt.29.04.2004 to Sri S. Soban Babu, under rule-56 of MC Rules, 1960. The Director of Mines & Geology, Andhra Pradesh, Hyderabad was permitted to take further necessary action accordingly in the matter.

10. After careful examination of the above matter, Government hereby decided and order to cancel the Mining Lease, held by Sri S.Soban Babu, for Laterite, over an extent of 10.95 acres in Sy.Nos.19/1, 19/2, 19/3, 22, 23/4B, 23/5, 24 in Southern part of Vanthada Village, Prathipadu Mandal, East Godavari District, in view of the breaches committed by the lessee in para-7 above.

11. The Director of Mines & Geology, Govt., of A.P., Hyderabad shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. GIRIJA SHANKAR
SECRETARY TO GOVERNMENT (MINES & FP) (FAC)

To
Sri. S.Soban Babu
D.No.23-16-25/A, Lalitha Nagar,
Rajahmundry, East Godavari District **(BY RPAD)**
The Director of Mines & Geology, Govt. A.P. Hyderabad (w.e. file)
Copy to:The District Collector, East Godavari District.

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The Assistant Director of Mines & Geology, East Godavari District.
The Secretary to Govt. of India, Ministry of Mines, Sastry Bhavan,
New Delhi-110001.
The Controller General, Indian Bureau of Mines,
Indira Bavan, Civil Lines, Nagpur.440001.
The Director General, Mines Safety, Dhanbad, Jarkand.
The Regional Controller of Mines, Koti, Hyderabad.
The P.S to Hon'ble M (M&G).
SF/SCs.(C.No.16181/M.II(2)/2015)

"*Copy of this order is available on Internet and can be accessed at address http://www.ap.gov.in/goir".*

//FORWARDED :: BY ORDER//

SECTION OFFICER